

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

UNITED STATES OF AMERICA,
Plaintiff,

Court File No. 21-cr-142 (01)(DSD)

v.

**DEFENDANT'S MOTION
TO STAY SENTENCE**

MARK ALLEN MILLER,
Defendant.

The Defendant instructs his attorney to seek an order from the Court staying his sentence while his appeal is pending pursuant to 18 U.S.C. §3143 (b). Specifically, Miller requests the Court stay the portion of the sentence requiring him to serve 12 months and one day in prison. Miller is currently ordered to report to his Bureau of Prisons designated location by August 21, 2023. He timely filed an appeal with the 8th Circuit Court of Appeals on the issue of his sentence. Miller argues the prison sentence should not have been imposed under the circumstances of his case. He claims his appeal involves a substantial issue of law and fact that should likely result in a non-custodial sentence being imposed.

The motion is based on the information in the Court file, the argument of Counsel, the Rules of Criminal Procedure, applicable statutes, and the US Constitution.

Date: June 16, 2023

BEITO & LENGELING, P.A.

By s/ Robert A. Lengeling

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